



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
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DOVER, DELAWARE 19901

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AUG 01 2010

EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR

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July 29, 2010

Mr. Shawn M. Garvin
Regional Administrator
U.S. EPA, Region III (3RA00)
1650 Arch Street
Philadelphia, PA 19103-2029

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AUG 4 2010

RE: Delaware Implementation of the Greenhouse Gas Tailoring Rule

Division Director (3AP00)

Dear Administrator Garvin:

This is in response to the requirements of 75 FR 31514 (July 3, 2010) "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule," for states to provide information concerning certain implementation aspects of the tailoring rule to the EPA Regional Administrator by August 2, 2010.

Delaware does not have any legislative impediments to adopting the tailoring thresholds. Delaware does have the authority to apply the meaning of the term "subject to regulation," as established by EPA in 75 FR 31514, in implementing both its Prevention of Significant Deterioration (PSD) and its Part 70 Title V permitting programs (i.e., 7 DE Admin Code 1125 "Requirements for Preconstruction Review" and 1130 "Title V Operating Permit Program"). However, Delaware also intends to revise both of these regulations through the normal public notice and hearing procedures to explicitly add the higher greenhouse gas thresholds. Delaware has begun the regulatory process and anticipates holding a public hearing in October and finalizing regulations by year-end 2010 with a compliance date of January 2, 2011.

Delaware is of the opinion the revised major source threshold and significance level limits in the final tailoring rule are sufficiently high to exclude from major source permitting requirements the multitude of smaller sources described in the final rule. If these limits are reduced substantially in the future, action must be taken by EPA to develop streamlined procedures for smaller sources. Delaware does not have the resources to maintain a large permitting group to implement and enforce major source permitting requirements to a vastly expanded universe. Please direct any questions concerning this response to Ron Amirikian, my Planning Branch Manager, at (302) 739-9402.

Sincerely,

Ali Mirzakhali, P.E.
Director

cc: David L. Arnold (3AP00)
Amie Howell (3CR00)